

## **ARGUMENTS/REMARKS**

Applicants would like to thank the examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

Claims 2, 4, 6-9, and 16-35 remain in this application. Claims 1, 3, 5, and 10-15 have been canceled by this amendment. The Examiner stated that claim 27 would be allowable if put into independent format, and that claim 28 is allowable. Claim 30-36 has

Claims 1-26 and 29-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gisby (U.S. 5,943,416) in view of Financial Times Survey, and in further view of Peters *et al.* (U.S. 5,893,098). For the following reasons, the rejection is respectfully traversed.

The claims have been amended to recite features clearly not found in the cited reference. For example, a number of the claims recite, utilizing language of various breadth, the basic feature that, upon request of the survey participant, an automated survey can be transferred back to a manual survey process to continue the survey. See claims 16 (step VI), 26 (step iii), 30 (line 35), and 36 (lines 31-40). None of the references teach any such capability.

Gisby teaches that the caller can be routed to either an IVR or to a regular agent. However, there is no teaching that after this routing, the Gisby system supports any capability to return an automated survey to a manual process. In fact, Gisby makes clear that this “regular agent” is not a part of the survey agent population, and that this agent will instead dispose of a call without conducting a survey if the participant refuses an automated interview (see col. 6, lines 60-67). This is supported by the flow chart of Figure 2, which shows that if the client agrees to a survey, a “target agent” receives the call (steps 103 & 105), and only then is the client surveyed (step 113). In contrast, if the client does not agree to a survey, the “regular agent” receives the call (steps 103 & 107), but there is no subsequent block showing any ability to transfer from an automated survey to a manual survey. There is no teaching or suggestion in Gisby that a client who initially participated in an automated survey can be switched over to an agent for continuing the survey in a manual manner.

In fact, the reference further teaches away from the claimed feature, when it states that “callers who do not wish to participate [are routed] to agents based on non-survey routing” whereas “callers who do wish to participate are routed according to survey routing rules” (see col. 2, lines 54-62). There is no process disclosed to survey callers who *won’t* participate in an *automated* survey (or want to be transferred out of the automated survey), but *will* participate in a *manual* survey.

The Examiner cites the Financial Times article as teaching that a survey participant can be transferred from an IVR unit to an agent. However, the reference does not refer to a survey system. Instead, the reference is clearly addressing situations where a consumer is calling a vendor for support or service, and wants to talk with a person. There is no suggestion that any agent is provided the ability to continue an automated survey in a manual process. In fact, the article merely discusses consumer frustration with automated services that use touch-tone responses, whereas many of the claims specifically recited that the IVR unit accepts oral answers from the participant. The reference merely lists problems, not any solutions, and thus cannot suggest the invention as claimed. Accordingly, neither this reference, nor Peters, overcomes the Gisby shortcomings.

In addition, claim 25 (at step VIII) has been amended to recite that the survey results can be presented to a user within 24 hours. There is no teaching in the prior art of such a quick turnaround, and thus claim 25, and the claims dependent thereon, are also patentable over the reference.

Peters and Financial Times Survey fail to overcome these Gisby shortcomings as well. Accordingly, the claims are patentable over the references, even if combined.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. QUAL-32669.

Respectfully submitted,  
PEARNE & GORDON, LLP

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By:           / Robert F. Bodi /            
Robert F. Bodi, Reg. No. 48,540

1801 East Ninth Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700